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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KEVIN ANTOINE JONES,

14 Defendant.

CASE NO. CR16-0202JLR

ORDER ADOPTING REPORT  
AND RECOMMENDATION

15 Before the court is Defendant Kevin Antoine Jones's Objections (Dkt. # 101) to  
16 Magistrate Judge Theiler's Report and Recommendation (Dkt. # 96). The court has  
17 reviewed the Report and Recommendation, Defendant's Objections, and the  
18 Government's Response (Dkt. # 102). In addition, the court has reviewed the full  
19 transcript of the Evidentiary Revocation Proceeding held before Magistrate Judge Theiler  
20 (Dkt. # 99) and the exhibits from the Revocation Proceeding. The court finds itself fully  
21 informed and declines to have oral argument on the Objections.

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1 A district court has jurisdiction to review a Magistrate Judge's report and  
2 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
3 determine de novo any part of the magistrate judge's disposition that has been properly  
4 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,  
5 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).  
6 The court reviews de novo those portions of the report and recommendation to which  
7 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
8 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review  
9 the magistrate judge's findings and recommendations de novo if objection is made, but  
10 not otherwise." *Id.*

11 In a hearing regarding alleged supervised release violations the Government has  
12 the burden of proof by a preponderance of the evidence standard. 18 U.S.C.  
13 § 3583(e)(3). Defendant objects to both Magistrate Judge Theiler's Findings of Fact and  
14 Conclusions of Law. The court has independently reviewed the facts of this matter, the  
15 governing law, and the arguments of counsel.

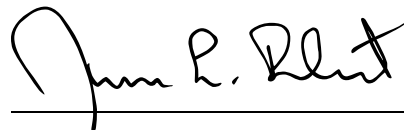
16 Based on this review the court finds and orders:

- 17 (1) That the Report and Recommendation (Dkt. # 96) is adopted;  
18 (2) That the Defendant has violated the terms of his supervised release by  
19 committing the crime of assault;  
20 (3) Pending final determination of the punishment for the violation, the Defendant  
21 shall remain in custody; and

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1 (4) The Clerk shall send to send copies of this Order to all counsel and to  
2 Magistrate Judge Theiler.

3 Dated this 4th day of May, 2020.

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6 JAMES L. ROBART  
7 United States District Judge  
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